

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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J & J Sports Productions, Inc.,

Plaintiff,

- against -

Francisco Mendez, individually and d/b/a
Mendez Boxing; and Mendez Boxing Fifth Ave., Inc.,
an unknown business entity d/b/a Mendez Boxing

Defendant(s).
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PLAINTIFF'S APPLICATION FOR
DEFAULT JUDGMENT BY THE
COURT

Case No.: 1:19-cv-03907-JPO

COMES NOW the Plaintiff, J & J Sports Productions, Inc., by and through its attorneys of record, and hereby moves this Court to enter Default Judgment against Francisco Mendez, individually and d/b/a Mendez Boxing and Mendez Boxing Fifth Ave., Inc., an unknown business entity d/b/a Mendez Boxing (hereinafter "Defendant(s)"). For the reasons set forth herein and in the documentation filed herewith, Plaintiff respectfully requests that its Application for Default Judgment be granted and that this Court award damages against Defendant(s) as requested herein.

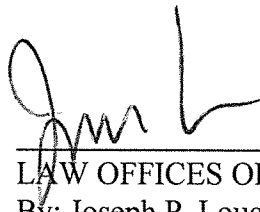
1. Default was entered against Defendant(s) on July 8, 2019 (Dkt. Nos. 16 & 17).
2. After the entry of default, Federal Rule of Civil Procedure 55(b) provides that default judgment may be entered by the Court upon application of the Plaintiff. Fed.R.Civ.P. 55(b)(2).
3. At the time and place of hearing, Plaintiff will present proof of the following matters:
 - a. Defendant(s) are not an infant or incompetent person, or in military service or otherwise exempted under the Service Members Civil Relief Act of 2003;
and
 - b. Defendant(s) did not make a timely appearance in this action and default was entered against them as a result thereof; and

- c. This Application for Default Judgment and related documents thereto were served on the Defendant(s); and
- d. Plaintiff is entitled to judgment against the Defendant(s) on the claims pled in the complaint. To wit:
 - 1. By contract, Plaintiff paid for the proprietary rights to distribute the Saul Alvarez v Amir Khan WBC *Championship Fight Program*, telecast nationwide on Saturday, May 7, 2016(hereinafter the “Program”).
 - 2. With full knowledge that the Program was not to be intercepted, received, and/or exhibited by entities unauthorized to do so, Defendant(s) and/or their agents, servants, workmen, and/or employees, did unlawfully intercept, receive and thereafter exhibit the Program at the time of its transmission at the address of the establishment doing business as Mendez Boxing, a commercial establishment operated by Defendant(s), and located at 23 E 26th Street, New York NY 10010.
 - 3. The unauthorized reception, interception and/or exhibition of the Program by the Defendant(s) was done willfully and for the purpose of direct or indirect commercial advantage or private financial gain.
 - 4. The unauthorized publication or use of communications, such as the transmission for which Plaintiff had the distribution rights, is prohibited by Title 47 U.S.C. § 605, et seq.
 - 5. Plaintiff seeks Judgment in its favor and against the Defendant(s) for

violations of 47 U.S.C. §§ 605(e)(3)(C)(i)(II) and (e)(3)(C)(ii) in the amounts of \$6,600.00 and \$19,800.00, respectively, plus pre- and post-judgment interest at the federal statutory rate.

6. By and through this Motion, Plaintiff also seeks recovery of its attorneys' fees and relevant costs incurred as provided pursuant to 47 U.S.C. § 605(e)(3)(B)(iii).
7. Plaintiff requests 30 days from the entry of judgment to submit its requests for interest, costs, and attorneys' fees.

Dated: July 17, 2019



LAW OFFICES OF M.L. ZAGER, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2019, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, the Southern District's Local Rules, and this Court's requirement of certified mail service upon the following parties and participants:

Francisco Mendez
301 W 130th Street #LB New York NY 10027

Mendez Boxing Fifth Ave., Inc.
23 E 26th Street, New York NY 10010

Dated: July 17, 2019



JANYLAA MARTINEZ